

MARCIA M. WALDRON
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

6/17
~1/

(34)

Middle-Harrisburg Clerk of District Court
(District)

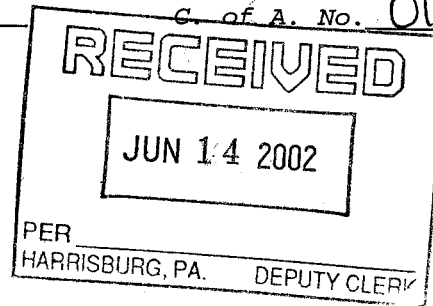
Date 6/10/02

Alan v. Atty Gen UST
(Caption)

C. of A. No. 01-2495

Osama Allan
(Appellant)

00-CV-01460
(D.C. No.)



Enclosures:

6/10/02 Certified copy of C. of A. Order by the Court/Clerk
(Date)

- * ☒ Record
- * ☒ Supplemental Record (First) (Second) (Third)
- * ☐ Exhibits
- * ☐ State Court Record

☒ Copy of this form to acknowledge receipt and return to C. of A.

☐ Record not returned at this time until appeal(s) closed at No.(s) _____

☐ Please forward Record to this office.

☐ The certified copy of order issued as the mandate on _____
is recalled.

Nicole M. Burns (267)-299-4924
Deputy Clerk Telephone Number

* _____ (267)-299-_____
Record Processor Telephone Number

Receipt Acknowledge:

Virginia Delmore
(Name)

6/14/02
(Date)

BPS-176

May 9, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. NO. 01-2495

OSAMA ALLAN

v.

ASHCROFT, ET AL.

(M.D. PA. CIV. NO. 00-cv-01460)

Present: ALITO, McKEE and ALDISERT, CIRCUIT JUDGES

Submitted by the Clerk for possible dismissal due to a jurisdictional defect in the above-captioned case.

Respectfully,

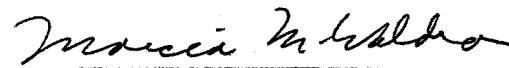
Clerk

MMW/EAW/zm

ORDER

Appellant filed a habeas petition under 28 U.S.C. § 2241 challenging on due process grounds the order of removal and deportation entered against him. The district court construed the § 2241 petition as an application for review of the removal order, ruled that it lacked jurisdiction to consider the matter, and transferred the case to this court pursuant to 28 U.S.C. § 1631. Appellant timely filed this appeal from the transfer order. This court may hear appeals only from final orders of the district court. 28 U.S.C. § 1291. A final order ends the litigation and the merits and leaves nothing for the court to do but execute the judgment. Republic National Gas Co. v. Oklahoma, 334 U.S. 62, 68 (1948). The district court's transfer order is not a final, appealable order under 28 U.S.C. § 1291. See Carteret Sav. Bank, FA v. Shushan, 919 F.2d 225, 228 (3d Cir. 1990). Accordingly, the appeal is dismissed for lack of appellate jurisdiction.

A True Copy:



Marcia M. Waldron,
Clerk

By the Court,



Circuit Judge

Dated: **JUN 10 2002**

mlb/cc: SLG.ESS.
LBS.ESS.